

AMENDMENT NO. _____ Calendar No. _____

Purpose: To make a technical correction.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 2191

To direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 Strike section 5102 and insert the following:

2 **SEC. 5102.** _____.

3 (a) IN GENERAL.—Section 327 of the Energy Policy
4 and Conservation Act (42 U.S.C. 6297) is amended—

5 (1) by redesignating subsections (e), (f), and
6 (g) as subsections (f), (g), and (h), respectively; and

7 (2) by inserting after subsection (d) the fol-
8 lowing:

9 “(e) REGIONAL STANDARDS FOR SPACE HEATING
10 AND AIR CONDITIONING PRODUCTS.—

1 “(1) STANDARDS.—

2 “(A) IN GENERAL.—The Secretary may es-
3 tablish regional standards for space heating and
4 air conditioning products, other than window-
5 unit air-conditioners and portable space heaters.

6 “(B) NATIONAL MINIMUM AND REGIONAL
7 STANDARDS.—For each space heating and air
8 conditioning product, the Secretary may estab-
9 lish—

10 “(i) a national minimum standard;
11 and

12 “(ii) 2 more stringent regional stand-
13 ards for regions determined to have signifi-
14 cantly differing climatic conditions.

15 “(C) MAXIMUM SAVINGS.—Any standards
16 established for a region under subparagraph
17 (B)(ii) shall achieve the maximum level of en-
18 ergy savings that are technically feasible and
19 economically justified within that region.

20 “(D) ECONOMIC JUSTIFIABILITY STUDY.—

21 “(i) IN GENERAL.—As a preliminary
22 step in determining the economic justifi-
23 ability of establishing a regional standard
24 under subparagraph (B)(ii), the Secretary

1 shall conduct a study involving stake-
2 holders, including—

3 “(I) a representative from the
4 National Institute of Standards and
5 Technology;

6 “(II) representatives of non-
7 governmental advocacy organizations;

8 “(III) representatives of product
9 manufacturers, distributors, and in-
10 stallers;

11 “(IV) representatives of the gas
12 and electric utility industries; and

13 “(V) such other individuals as
14 the Secretary may designate.

15 “(ii) REQUIREMENTS.—The study
16 under this subparagraph—

17 “(I) shall determine the potential
18 benefits and consequences of pre-
19 scribing regional standards for heat-
20 ing and cooling products; and

21 “(II) may, if favorable to the
22 standards, constitute the evidence of
23 economic justifiability required under
24 this Act.

1 “(E) REGIONAL BOUNDARIES.—Regional
2 boundaries used in establishing regional stand-
3 ards under subparagraph (B)(ii) shall—

4 “(i) conform to State borders; and

5 “(ii) include only contiguous States
6 (other than Alaska and Hawaii), except
7 that on the request of a State, the Sec-
8 retary may divide the State to include a
9 part of the State in each of 2 regions.

10 “(2) NONCOMPLYING PRODUCTS.—If the Sec-
11 retary establishes standards for a region, it shall be
12 unlawful under section 332 to offer for sale at retail,
13 sell at retail, or install within the region products
14 that do not comply with the applicable standards.

15 “(3) DISTRIBUTION IN COMMERCE.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), no product manufactured in
18 a manner that complies with a regional stand-
19 ard established under paragraph (1) shall be
20 distributed in commerce without a prominent
21 label affixed to the product that includes—

22 “(i) at the top of the label, in print of
23 not less than 14-point type, the following
24 statement: ‘It is a violation of Federal law
25 for this product to be installed in any

1 State outside the region shaded on the
2 map printed on this label.’;

3 “(ii) below the notice described in
4 clause (i), an image of a map of the United
5 States with clearly defined State bound-
6 aries and names, and with all States in
7 which the product meets or exceeds the
8 standard established pursuant to para-
9 graph (1) shaded in a color or a manner
10 as to be easily visible without obscuring the
11 State boundaries and names; and

12 “(iii) below the image of the map re-
13 quired under clause (ii), the following
14 statement: ‘It is a violation of Federal law
15 for this label to be removed, except by the
16 owner and legal resident of any single-fam-
17 ily home in which this product is in-
18 stalled.’.

19 “(B) ENERGY-EFFICIENCY RATING.—A
20 product manufactured that meets or exceeds all
21 regional standards established under this para-
22 graph shall bear a prominent label affixed to
23 the product that includes at the top of the label,
24 in print of not less than 14-point type, the fol-
25 lowing statement: ‘This product has achieved an

1 energy-efficiency rating under Federal law al-
2 lowing its installation in any State.’.

3 “(4) RECORDKEEPING.—A manufacturer of
4 space heating or air conditioning equipment subject
5 to regional standards established under this sub-
6 section shall—

7 “(A) obtain and retain records on the in-
8 tended installation locations of the equipment
9 sold; and

10 “(B) make such records available to the
11 Secretary on request.”.

12 (b) CONFORMING AMENDMENTS.—Section 327 of the
13 Energy Policy and Conservation Act (42 U.S.C. 6297) is
14 amended—

15 (1) in subsection (b)—

16 (A) in paragraph (2), by striking “sub-
17 section (e)” and inserting “subsection (f)”; and

18 (B) in paragraph (3)—

19 (i) by striking “subsection (f)(1)” and
20 inserting “subsection (g)(1)”; and

21 (ii) by striking “subsection (f)(2)”
22 and inserting “subsection (g)(2)”; and

23 (2) in subsection (c)(3), by striking “subsection
24 (f)(3)” and inserting “subsection (g)(3)”.